

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SHANE MILLER, an individual,  
Plaintiff,

No. 3:22-cv-01164-SB

ORDER

v.

HOME DEPOT USA, INC., a foreign  
Business corporation,  
Defendant.

**BAGGIO, District Judge:**

On December 10, 2024, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) (ECF 59), recommending that the Court deny Defendant Home Depot, Inc.’s (“Defendant”) Motion for Summary Judgment. Neither party objected.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While

the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Upon review, the Court agrees with Judge Beckerman's recommendation and ADOPTS the F&R (ECF 59) in full. Defendant's Motion for Summary Judgment (ECF 43) is DENIED, and Defendant's Motion to Strike (ECF 54) is Denied for failure to follow Local Rule 56-1(b) and, in the alternative, as moot because the Court did not rely on any of the evidence that Defendant sought to strike in resolving the Summary Judgment Motion. The Court will set a telephone status conference with the parties to schedule pretrial and trial dates in due course.

IT IS SO ORDERED.

DATED this 19th day of February 2025.



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AMY M. BAGGIO  
United States District Judge